

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 28 2004

In re Application of: OHMI *et al.*

Application No.: 09/866,576

Confirmation No. 4482

Filed: May 29, 2001

Art Unit: 2811

Title: SEMICONDUCTOR DEVICE FORMED ON (111)
SURFACE OF A Si CRYSTAL AND FABRICATION
PROCESS THEREOF

Examiner: OWENS, Douglas W.

* * * *

October 28, 2004

**CERTIFICATION OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. §1.8**

I hereby certify that the following papers (consisting of 3 pages, including this cover page) are being facsimile transmitted to the Patent and Trademark Office at (703) 872-9306 on the date shown above:

LETTER TO THE EXAMINER

Respectfully submitted,
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LETTER TO THE EXAMINERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant would like to bring to the Examiner's attention an error in the records of the U.S. Patent Office. In particular, Japanese Patent Application No. 11-376170, filed on November 30, 1999, has been acknowledged as priority to the above patent application. According to the Notice of Allowance dated August 26, 2004, the priority document was received by the USPTO. However, Applicant has never perfected a claim of priority by providing a copy of the priority document.

The above patent application was filed on May 29, 2001. Accordingly, the Japanese patent application, which was filed on November 30, 1999, cannot be relied upon for priority, because the time for claiming priority to the Japanese patent application expired before the above patent application was filed, therefore making the claim for priority unavailable. In addition, the Declaration for the above-captured patent application states that priority to the Japanese Patent Application is not claimed.

To avoid any delay in the processing of the Letters Patent in the Publications Branch, Applicant would like to request that the claim for priority be removed from the above patent application in the USPTO records.

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OHMI *et al.* -- Appln. No. 09/866,576

If the USPTO has any questions regarding the above, please contact the undersigned.

Respectfully submitted,

Pillsbury Winthrop LLP

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